

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

CR No. 07- 146 -KI

v.

INDICTMENT

TIMOTHY ANDREW GILMARTIN,
SIDNEY POTTS, RODNEY TOY,
JACQUELINE TOY,
BOBBY EDWARDS, RANDALL WYNN,
JAMES HARPER and
JERI ANN LEWIS

[18 U.S.C. §§ 2; 201(b); 371; 981; 1791(a)
28 U.S.C. § 28 U.S.C. § 2461(c)]

****UNDER SEAL****

Defendants.

THE GRAND JURY CHARGES:

COUNT 1

That beginning on or about April 2006, the exact dates unknown to the grand jury, and continuing through the return of this indictment, in the District and State of Oregon, TIMOTHY ANDREW GILMARTIN, SIDNEY POTTS, RODNEY TOY, JACQUELINE TOY, BOBBY EDWARDS, RANDALL WYNN, JAMES HARPER and JERI ANN LEWIS, defendants herein, did combine, conspire, confederate, and agree with each other knowingly and willfully to provide a prohibited object, to wit: tobacco, to inmates of a prison, the Federal Correctional Institution (FCI) at Sheridan, Oregon, and to possess and obtain, and to attempt to possess and obtain a prohibited object, to wit: tobacco, within a prison, the Federal Correctional Institution (FCI) at Sheridan, Oregon, all in violation of Title 18, United States Code, Sections 371, 1791(a)(1) & (a)(2); and Title 28, Code of Federal Regulations, Section 6.1.

WAYS AND MEANS

That is was part of this conspiracy for:

1. Certain of the conspirators to purchase large quantities of tobacco;

2. Certain of the conspirators to smuggle tobacco into the Federal Correctional Institution (FCI) at Sheridan, Oregon;

3. Certain of the conspirators to secret and sell tobacco within the Federal Correctional Institution (FCI) at Sheridan, Oregon;

4. Certain of the conspirators to collect and direct the payment of money for tobacco sales within the Federal Correctional Institution (FCI) at Sheridan, Oregon;

5. Certain of the conspirators to pay employees of the Federal Correctional Institution (FCI) at Sheridan, Oregon, to facilitate the introduction and distribution of tobacco within FCI Sheridan.

6. Certain of the conspirators to accept payments in return for facilitating the introduction and distribution of tobacco within the Federal Correctional Institution (FCI) at Sheridan, Oregon.

OVERT ACTS

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the defendants or co-conspirators committed one or more of the following overt acts in the District of Oregon.

1. That between July 27, 2006 and February 23, 2007, TIMOTHY ANDREW GILMARTIN did purchase \$2763.50 worth of tobacco products from Costco Wholesale in order to distribute to FCI Sheridan.

2. That on or about March 23, 2007, TIMOTHY ANDREW GILMARTIN did meet JACQUELINE ANN TOY in the Bi-Mart Store parking lot McMinnville, Oregon to receive a payment of \$1600.00.

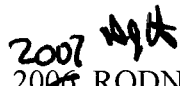
3. That between March 23, 2007 and April 9, 2007, TIMOTHY ANDREW GILMARTIN did meet JERI ANN LEWIS in the Gateway Mall parking lot in Eugene, Oregon, to receive a payment of approximately \$2000.00.

4. That between July 24, 2006 and April 9, 2007, TIMOTHY ANDREW GILMARTIN did direct inmate RODNEY TOY to direct his wife JACQUELINE TOY, to secret U.S. currency into a book identified as the "Billionaire," located in the City of Sheridan, Oregon Public Library.

5. That on or about May 26, 2006, SIDNEY POTTS was in possession of six Zip Loc bags containing tobacco and rolling papers.

6. That between January 1, 2006 and April 9, 2007, SIDNEY POTTS directed FCI Sheridan inmates to send over \$4100.00 to his daughter, Jennifer Rich, in Meridian, Idaho, under her business name of S&J Professional Services.

7. That on or about May 25, 2006, SIDNEY POTTS did call his sister Rosalie Arlene Mickelson in the State of Washington, and direct her to send \$700.00 to a Post Office Box identified as E-Z E Bay sales in McMinnville, Oregon, which was registered to TIMOTHY ANDREW GILMARTIN.

8. That between July 24, 2006 and April 9, ²⁰⁰⁷ ~~2006~~ , RODNEY TOY did provide his wife JACQUELINE TOY with names and telephone numbers in order to facilitate the collection of approximately \$23,000.00 for the purpose of smuggling tobacco into FCI Sheridan;

9. That between September 4, 2006 and November 20, 2006, RODNEY TOY directed JACQUELINE TOY to send him approximately \$600.00 in U.S. currency for tobacco.

10. That between October 16, 2006 and December 12, 2006, RODNEY TOY did

direct JACQUELINE TOY to send RODNEY TOY's cell mate, Theodore Jokinen, approximately \$200.00.

11. That between July 24, 2006 and April 9, 2007, BOBBY EDWARDS did direct his cousin Karen McFarland to send JACQUELINE TOY approximately \$2400.00 through Western Union for the purpose of buying tobacco.

12. That between July 24, 2006 and April 9, 2007, BOBBY EDWARDS did receive tobacco products from SIDNEY POTTS for the purpose of distribution within FCI Sheridan;

13. That between March 23, 2007 and April 9, 2007, RANDALL WYNN did direct JERI ANN LEWIS to meet FCI Sheridan employee TIMOTHY ANDREW GILMARTIN in the Gateway Mall parking lot.

14. That between October 1, 2006 and November 28, 2006, RANDALL WYNN did direct JERI ANN LEWIS to send money to the inmate prison account of JAMES HARPER for facilitating the distribution of tobacco within FCI Sheridan.

15. That between October 10, 2006 and March 12, 2007, JAMES HARPER did receive \$11,200.00 from JERI ANN LEWIS for facilitating the distribution of tobacco within FCI Sheridan.

16. That on September 9, 2006, JAMES HARPER did receive \$1200.00 from JACQUELINE TOY.

17. That between July 24, 2006 and April 9, ²⁰⁰⁷~~2006~~, JAMES HARPER did participate in the storage and distribution of tobacco at FCI Sheridan as directed by TIMOTHY ANDREW GILMARTIN.

18. That between October 10, 2006 and March 12, 2007, JERI ANN LEWIS did send

inmate JAMES HARPER \$11,200.00.

19. That between March 23, 2007 and April 9, 2007, JERI ANN LEWIS did meet TIMOTHY ANDREW GILMARTIN at the Gateway Mall in Eugene, Oregon.

20. That between July 24, 2006 and April 9, 2007, JACQUELINE TOY did facilitate the collection of approximately \$23,000.00.

21. That on or about December 1, 2006, JACQUELINE TOY did place \$4100.00 in the book known as "Billionaire" at the City of Sheridan Public Library at the direction of TIMOTHY ANDREW GILMARTIN.

22. That on or about March 23, 2007, JACQUELINE TOY met TIMOTHY ANDREW GILMARTIN in the Bi-Mart parking lot in McMinnville, Oregon, and provided him \$1600.00.

COUNT 2

That on or before May 26, 2006, the exact date unknown to the grand jury, and through April 9, 2007, at FCI Sheridan, in the District and State of Oregon, TIMOTHY ANDREW GILMARTIN, SIDNEY POTTS, RODNEY TOY, JACQUELINE TOY, BOBBY EDWARDS, RANDALL WYNN, JAMES HARPER and JERI ANN LEWIS, inmates of the Federal Correctional Institution at Sheridan, Oregon, and aiders and abettors of the inmates; all defendants herein, contrary to Title 28, Code of Federal Regulations, Section 6.1, and Title 18, United States Code, Section 1791, unlawfully and knowingly did possess, obtain and attempt to possess or obtain a prohibited object, namely, tobacco; all in violation of Title 18, United States Code, Sections 2 and 1791(a)(2).

COUNT 3

That on or before May 26, 2006 and continuing through April 9, 2007, the exact date unknown to the grand jury, in the District and State of Oregon, TIMOTHY ANDREW GILMARTIN, SIDNEY POTTS, RODNEY TOY, JACQUELINE TOY, BOBBY EDWARDS, RANDALL WYNN, JAMES HARPER and JERI ANN LEWIS, defendants herein, contrary to Title 28, Code of Federal Regulations, Section 6.1, and Title 18, United States Code, Section 1791, unlawfully and knowingly provided a prohibited object, namely, tobacco, to inmates of a prison, the Federal Correctional Institution at Sheridan, Oregon; all in violation of Title 18, United States Code, Sections 2 and 1791(a)(1).

COUNT 4

That between May 26, 2006, 2007 and April 9, 2007, JACQUELINE TOY, SIDNEY POTTS, RODNEY TOY and JERI ANN LEWIS, defendants herein, did directly and indirectly, corruptly give, offer and promise something of value, to wit: money, to TIMOTHY ANDREW GILMARTIN, a public official with the intent to induce TIMOTHY ANDREW GILMARTIN to do an act in violation of the lawful duty of TIMOTHY ANDREW GILMARTIN, to wit: to provide prohibited objects, to wit: tobacco, to inmates of a prison, the Federal Correctional Institution (FCI) at Sheridan, Oregon; all in violation of Title 18, United States Code, Section 201(b)(1).

COUNT 5

That between March 23, 2007 and April 9, 2007, in the District and State of Oregon, TIMOTHY ANDREW GILMARTIN, defendant, a public official, directly and indirectly did corruptly demand, seek, receive, accept and agree to receive and accept something of value, that

is, money, from JACQUELINE TOY and JERI ANN LEWIS, in return for and with the intent of being influenced in the performance of an official act and being influenced to act or omit to do an act in violation of his official duty, that is: to provide and attempt to provide prohibited objects, to wit: tobacco, to inmates of a prison, the Federal Correctional Institution (FCI) at Sheridan, Oregon; all in violation of Title 18, United States Code, Section 201(b)(2).

FORFEITURE ALLEGATION

2. Upon conviction of one or more of the offenses alleged in Counts 4 & 5 of this Indictment, defendants, TIMOTHY ANDREW GILMARTIN, RODNEY TOY, JACQUELINE TOY, SIDNEY POTTS and JERI ANN LEWIS shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violations.

DATED this 24 day of April 2007.

A TRUE BILL:

OFFICIATING FOREPERSON

KARIN J. IMMERGUT
United States Attorney



FRANK NOONAN, OSB #70104
Assistant United States Attorney